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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,910	04/07/2004	Steven S. Homer	200315712-1	8762

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EXAMINER

LEA EDMONDS, LISA S

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,910

Applicant(s)

HOMER ET AL.

Examiner

Lisa Lea-Edmonds

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election, without traverse, of group I (claims 1-18) and the withdraw claims 19-23 from consideration made in the reply dated on 2006-06-21 is acknowledged. However, applicant is advised that the **Election/Restriction** mailed on 2006-06-08 is hereby **vacated and/or withdrawn**. In review of the now elected claims 1-18 and the application as a whole, it appears to the present examiner of record that an improper species election was mailed on 2006-06-08. Which has resulted in applicant's election of claims 1-18 dated 2006-06-21. The present examiner of record hereby apologizes for any inconvenience. Also, it is noted that all claims 1-23 will be examined herein.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the personal digital assistant (PDA), the dedicated word processor, the Digital Versatile Disc (DVD), the friction-inducing device, and the wrap spring friction clutch must all be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

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be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "404" has been used to designate both the distal end and the guiding feature in paragraphs 0011, 0013, 0014, 0015. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance. It is noted that in paragraph 0013 applicant has "Distal end 404 thus provides a guiding feature that provides a constraint on the relative motion of base portion 301 and display portion 302 (sic)". However, merely stating that the distal end 404 "provides" a guiding feature does not make it a guiding feature.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites the limitation "the fixed" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 7, 9, 14, and 18-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hoving et al. (5168426). With respect to claims 1 and 2, Hoving et al. teaches **[claim 1]** an electronic device (10) comprising: a base portion (13); a movable portion (12) having an edge nearest the base portion (13); and a hinge mechanism (14) that enables the edge of the movable portion (12) nearest the base portion (13) to translate in relation to the base portion (13) as the movable portion (12) is rotated during opening of the electronic device (10), **[claim 2]** wherein the electronic device (10) is a portable computer (see for example figures 1A-5). With respect to claims 6 and 7, Hoving et al. teaches **[claim 6]** an electronic device (10), comprising a base portion (13) a groove (18) formed in the base portion (13); a movable portion (12) having a guiding feature (17) that engages the groove (18); and a link (14) having a first link end attached to a first pivot (16) on the base portion (13), and having a second link end attached to a second pivot (15) on the moveable portion (12); and wherein the link (14) constrains the relative motion of the base portion (13) and the movable portion (12) such that the electronic device (10) opens as the guiding feature (17) travels along the groove (18), **[claim 7]** wherein the moveable portion (12) comprises a display screen (12a) (see for example figures 1A-5), **[claim 9]** further comprising a friction-inducing device (20, 21, 22) that resists relative motion of the base (13) and movable portions (12), **[claim 14]** wherein the electronic device (10) is a portable computer (see for example figures 1A-5). With respect to claim 18, Hoving et al. teaches **[claim 18]** an electronic device (10), comprising means (14) for translating an edge of a moveable portion (12) of the electronic device (10) in relation to a base portion (13) of the electronic device (10) as the moveable portion (12) is rotated in the process of opening the electronic device (10); and means (17, 20, 22, 18) for inducing friction that resists relative motion of the movable (12) and base portions (13) (see for example figures 1A-5). With respect to claims 19 and 20, Hoving et al. teaches **[claim 19]** a hinge mechanism for an electronic device (10), comprising a groove (18) in a first portion (13) of the electronic device (10); a guiding feature (17) on a second portion (12) of the electronic device (10), the guiding feature (17) engaging the groove (18); a link (14) connecting a first

pivot (16) on the first portion (13) of the electronic device (10) with a second pivot (15) on the second portion (12) of the electronic device (10) and constraining the relative motion of the first and second portions (13, 12) such that the electronic device (10) opens as the guiding feature (17) travels along the groove (18), **[claim 20]** further comprising a friction-inducing device (20, 21, 22) that resists relative motion of the two portions (see for example figures 1A-5).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-5, 8, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoving et al. as applied to claims 1 and 6 above. With respect to claims 3-5 and 15-17, Hoving et al. teaches the invention as set forth by claims 1 and 6 (see the above 102 rejection). However, Hoving et al. lacks a clear teaching of the electronic device (10) being **[claims 3 and 16]** a personal digital assistant or **[claims 4 and 15]** a dedicated word processor or **[claims 5 and 17]** a Digital Versatile Disc as claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the electronic device (10) of Hoving et al. to be any well know and "off the shelf" electronic device commonly used today, such as personal digital assistant or a dedicated word processor or a Digital Versatile Disc. This position is also evident by applicant own admission, see for example page 2 lines 1-3 (the last full sentence of paragraph 0003) and page 6 lines 1-15 (paragraph 0020). With respect to claim 8, Hoving et al. teaches the invention as set forth by claim 6 (see the above 102 rejection). Hoving et al. also teaches **[claim 8]** a second groove formed in the base portion; a second guiding feature on the moveable portion engaging the second groove (see for example column 2 lines 53-60). However, Hoving et al. lacks a clear teaching of a second link connecting pivots on the base portion and the movable portion as claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the

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link (14) of Hoving et al. to either be separated into two links or be duplicated to increase the stability of the link structure and also to aid in supporting the moving section (12).

9. Claims 10-13 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoving et al. (5168426) as applied to claims 1 and 6 above, and further in view of Chiu (6163451). With respect to claims 10 and 21, Hoving et al. teaches the invention as set forth by the claims above (see the above 102 rejection). However, Hoving et al. lacks a clear teaching of **[claims 10, 21]** the friction-inducing device being wrap spring friction clutch as claimed. The apparatus of Chiu teaches a friction clutch (66). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the friction clutch of Chiu into the apparatus of Hoving et al. to aid the spring (21) in moving and positioning of the movable portion. With respect to claims 11 and 22, Hoving et al. teaches the invention as set forth by claims 6, 9, and 10 (see the above rejections). However, Hoving et al. lacks a clear teaching of **[claims 11, 22]** a shaft journaled in the moveable portion, one end of the shaft being the guiding feature; a gear fixedly attached to the shaft; and a gear rack formed in the base portion such that the gear engages the gear rack when the guiding feature engages the groove (as claimed). The apparatus of Chiu is relied upon for its teaching of a shaft (64), a gear (66), and a gear rack (70). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the teachings of Chiu into the apparatus of Hoving et al. to aid in movement and positioning of the movable portion. With respect to claims 12 and 23, Hoving et al. in view of Chiu teaches the invention as set forth by claim 11 (see the above rejections). Hoving et al. in view of Chiu would **[claims 12, 23]** further teach spring (21) being wrapped around the shaft (64) and constrained such that the spring (21) does not rotate in relation to the moveable portion (12) when the shaft (64) rotates. With respect to claim 13, Hoving et al. in view of Chiu teaches the invention as set forth by claim 9 (see the above rejections). Hoving et al. in view of Chiu also teaches **[claim 13]** the friction-inducing device (20, 21, 22) holding the fixed (base 13) and moveable portions (12) in a relationship set by a user of the electronic device (10), and enables adjustability of the relationship.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please note the teachings of Chen (6404622), Duarte (6636419), Troii (5085394), Winkler (5345362), Kumar et al. (5548478), Hawkins et al. (5200913), and G.R. Aschauer (3315773).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 571-272-2043. The examiner can normally be reached on Monday - Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Field can be reached on (571) 272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Lisa Lea-Edmonds
Primary Examiner
Art Unit 2835

2006-07-10